

Planning

Growth & Development

Delegated officer report for planning application

Application no. 129743/FO/2021

Date registered valid: 18 May 2021

Proposal: Installation of plant to rear.

Address: 17 Piccadilly, Manchester, M1 1LS

Ward(s): Piccadilly Ward

Applicant: Five Guys JV Ltd c/o Firstplan, London, SE1 3PL

Agent (if any): Mr Sam Harper Firstplan Firstplan, Broadwall House, 21 Broadwall, London, SE1 9PL

Case officer: Eve Woolstencroft
Tel: 0161 234 4533
Email: eve.woolstencroft@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 6 September 2021

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 24 May 2021

Standard consultations:

Printed: 19 May 2021 Expired: 9 June 2021

Neighbour notifications

Printed: 19 May 2021 Expired: 9 June 2021

Site notice

Posted: 24 May 2021 Expired: 14 June 2021

Press advert

Published: 25 May 2021 Expired: 15 June 2021

Departure from Development Plan: No

Environmental Statement: Not required

Listed building: Grade II

Conservation area: Smithfield Conservation Area 1987

Tree Preservation Order:

Description of Site/Area

The application relates to a former Building Society premises within the ground and basement floor of 17 Piccadilly, which is a Grade II Listed building. It is a five-storey building, with an additional mansard roof. There is dated non-original granite cladding at ground floor level and other areas of the building are sandstone.

The existing advertisements comprise one internally illuminated fascia sign and one externally illuminated projecting sign to each elevation and a non-illuminated logo sign over the door.

The building is located on the corner of Oldham Street and Piccadilly with the entrance on the junction of the two roads. There are residential apartments within the upper floors of the building that are accessed from a separate entrance on Piccadilly.

The building is within the Smithfield Conservation Area and is adjacent to the Stevenson Square Conservation Area. Piccadilly Gardens is opposite and is home to three Grade II Listed statues, including the Queen Victoria memorial. Other nearby Listed Buildings include a Grade II Listed department store that is occupied by Debenhams and a Grade II Listed Building at 3 Piccadilly.

The site lies within the Piccadilly area of the City Centre and the surrounding area contains a variety of uses including retail, bars, cafes, offices, commercial, residential and hotel uses and Piccadilly Gardens and Piccadilly Gardens Transport Interchange.

Description of Development

The submitted application seeks planning permission for the installation of plant to the rear of the building.

Consultations & Notification Responses

Local residents were notified and a site notice was posted for 21 days. A total of 3 objections were received from local residents.

Comments made can be summarised as follows:

- The proposed use as a takeaway does not promote healthy eating.
- Noise and fumes from the proposed plant will give rise to residential amenity issues.
- Noise and disturbance will arise from the proposed use

Policy

The following policy and guidance is considered relevant to the consideration of this application:

- Saved policy DC26, of the UDP;
- Policies DM1, SP1 and EN3 of the Core Strategy;
- The Guide to Development in Manchester (SPD);
- National Planning Policy Framework (NPPF)

Principle

The plant is in association with the fit out of the unit as a fast food restaurant, planning permission for a change of use is not required in this instance as the previous use as a building society falls under Class E. Commercial, Business and Service Uses of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 which came into force on 1 September 2020.

Residential Amenity

Objections from local residents have raised concerns with regards to the impact of noise from the plant as well as fumes and odours that would emanate from this. The use of the property cannot be controlled within planning legislation and it is not unusual within a mixed-use city centre environment to have commercial uses such as restaurants on the ground floor and residential to the upper floors.

The impact of noise, fume and odour from the plant on residential amenity have been considered and information has been submitted that demonstrates that noise and fumes/odours would not cause harm to nearby residents. Appropriate conditions recommended by Environmental Health requiring the mitigation measures to be implemented will be attached. A condition will also require post completion testing and the submission of a verification report to ensure that the plant operates in accordance with the approved details will also be attached.

The submitted noise report notes that the cumulative plant noise rating level of proposed plant should be controlled to a level that does not exceed 5dB below the representative LA90 background sound level at the nearest residential property.

Given the above it is considered that on balance and subject to conditions, controlling noise fumes and odours would be acceptable and consistent with Core Strategy Policies SP1 and DM1 and saved UDP policies DC26.1 and 26.5.

Human Rights Act 1998 considerations

This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have a right to a fair hearing and to this end the local planning authority must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation: Approve

Article 35 Declaration

Officers have worked with the applicant/agent in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. The scheme is considered to be in accordance with the guidance contained within saved policy DC1 of the Manchester Unitary Development Plan, policies SP1 and DM1 of the Core Strategy and the National Planning Policy Framework.

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2) The development hereby approved shall be carried out in accordance with the following drawings and documents:

Received by the City Council as Local Planning Authority on 17 March 2021:

- A650 Kitchen Counter Details
- A230 Furniture Plan A
- A209 Penetration Plan - GF + FF B
- Heritage Statement
- Plant Noise Impact Assessment Report referenced 89694/NIA dated 21 December 2020

Received by the City Council as Local Planning Authority on 30 April 2021:

- A610 Proposed Internal Elevations B
- A208 Demolition Plan - GF + FF A
- A240 Floor & Wall Finishes Plan - GF + FF C

- A250 Reflected Ceiling Plan - GF + FF F
- A210 Dimensioned Floor Plan A
- A211 Ground and First Floor Plan L

Received by the City Council as Local Planning Authority on 22 July 2021:

- A206.01 Existing Floor Plan GF Floor Photos
- A206.02 Existing Floor Plan BF Floor Photos
- A207 Existing Floor Plans A
- A408 Existing Building Elevation (sheet 1)
- A409 Existing Building Elevation (sheet 2)

Received by the City Council as Local Planning Authority on 25 May 2021:

- A410 Proposed Building Elevation (sheet 1) D
- A411 Proposed Building Elevation (sheet 2) E
- A412 Proposed Building Elevation (sheet 3)
- A413 Proposed Building Elevation (sheet 4)

- A900.01 Door Schedule (sheet 1) A
- A900.02 Door Schedule (sheet 2) A

Received by the City Council as Local Planning Authority on 16 June 2021:

- Drawing nos. 016-229-01F, 016-229-02F, and 016-229-03
- Cleaning Performance Specification for the Heating Ventilation and Air Conditioning of the Proposed Five Guys Manchester Piccadilly
- Five Guys Risk Assessment for Odour
- Manufacturer specification for the CVEQ AHU, ESP 4500, UV-C Range"

Received by the City Council as Local Planning Authority on 01 September 2021:

A910 Typical Window Section

Reason - To ensure that the development is carried out in accordance with the approved plans pursuant to policies SP1 and DM1 of the Core Strategy.

3) a) Fumes, vapours and odours shall be extracted and discharged from the premises in accordance with approved 'drawing nos. 016-229-01F, 016-229-02F, and 016-229-03 and Cleaning and Performance Specification for the Heating, Ventilation and Air Conditioning of the Proposed Five Guys Manchester Piccadilly, Five Guys Risk Assessment for Odour, manufacturer specification for the CVEQ AHU, ESP 4500, UV-C Range".

b) Prior to first use of the equipment confirmation shall be submitted for the approval of the City Council as local planning authority that the approved scheme has been fully implemented in accordance with the approved scheme.

c) The equipment shall then be operated and maintained only in accordance with the above approved documents for the duration of the use.

Reason - To ensure an acceptable development in the interests of residential amenity, pursuant to policies DM1 and SP1 of the Core Strategy and saved policy DC26 of the Unitary Development Plan.

4) a) The proposed external plant shall operate in accordance with the submitted Plant Noise Impact Assessment Report referenced 89694/NIA dated 21 December 2020. The external plant shall operate only between the hours of 07:00 and 01:00 daily.

b) Prior to the first use of the plant equipment, a verification report shall be submitted to and approved in writing by the City Council as local planning authority to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic report. The report shall also undertake post completion testing to confirm that the noise criteria have been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the agreed noise criteria.

Reason - To minimise the impact of the development on amenity and to prevent a general increase in pre-existing background noise levels around the site pursuant to Core Strategy Policy DM1 and saved USP policy DC26.

Appendix 1 – List of consultees & neighbours notified

Environmental Health
Greater Manchester Police

Travelodge, 31 Piccadilly, Manchester, M1 1LU
29 Piccadilly, Manchester, M1 1LU
19 - 25 Piccadilly, Manchester, M1 1LU
Nando's, 27 Piccadilly, Manchester, M1 1LU
Mezzanine Floor, 11 Piccadilly, Manchester, M1 2HY
Sub Basement And Basement, 19 - 31 Piccadilly, Manchester, M1 1LS
11 Piccadilly, Manchester, M1 2HY
19 - 31 Piccadilly, Manchester, M1 1LS
Serviced Apartment 1, Regent Court, 6 Oldham Street, Manchester, M1 1JQ
Flat 4, Regent Court, 6 Oldham Street, Manchester, M1 1JQ
Flat 8, Regent Court, 6 Oldham Street, Manchester, M1 1JQ
Flat 12, Regent Court, 6 Oldham Street, Manchester, M1 1JQ
Flat 20, Regent Court, 6 Oldham Street, Manchester, M1 1JQ
Flat 18, Regent Court, 6 Oldham Street, Manchester, M1 1JQ
Flat 16, Regent Court, 6 Oldham Street, Manchester, M1 1JQ
Flat 15, Regent Court, 6 Oldham Street, Manchester, M1 1JQ
Flat 14, Regent Court, 6 Oldham Street, Manchester, M1 1JQ
Flat 11, Regent Court, 6 Oldham Street, Manchester, M1 1JQ
Flat 9, Regent Court, 6 Oldham Street, Manchester, M1 1JQ
Flat 7, Regent Court, 6 Oldham Street, Manchester, M1 1JQ
Flat 5, Regent Court, 6 Oldham Street, Manchester, M1 1JQ
Serviced Apartment 3, Regent Court, 6 Oldham Street, Manchester, M1 1JQ
Flat 2, Regent Court, 6 Oldham Street, Manchester, M1 1JQ
Flat 17, Regent Court, 6 Oldham Street, Manchester, M1 1JQ
Flat 19, Regent Court, 6 Oldham Street, Manchester, M1 1JQ
Flat 21, Regent Court, 6 Oldham Street, Manchester, M1 1JQ
Flat 10, Regent Court, 6 Oldham Street, Manchester, M1 1JQ
Flat 6, Regent Court, 6 Oldham Street, Manchester, M1 1JQ
7 - 11 Oldham Street, Manchester, M1 1LG
Sachas Hotel, Tib Street, Manchester, M4 1SH
Flat 18, 15 Piccadilly, Manchester, M1 1LT
Flat 17, 15 Piccadilly, Manchester, M1 1LT
Flat 16, 15 Piccadilly, Manchester, M1 1LT
Flat 15, 15 Piccadilly, Manchester, M1 1LT
Flat 14, 15 Piccadilly, Manchester, M1 1LT
Flat 13, 15 Piccadilly, Manchester, M1 1LT
Flat 12, 15 Piccadilly, Manchester, M1 1LT
Flat 11, 15 Piccadilly, Manchester, M1 1LT
Flat 10, 15 Piccadilly, Manchester, M1 1LT
Flat 9, 15 Piccadilly, Manchester, M1 1LT
Flat 8, 15 Piccadilly, Manchester, M1 1LT
Flat 7, 15 Piccadilly, Manchester, M1 1LT
Flat 6, 15 Piccadilly, Manchester, M1 1LT
Flat 5, 15 Piccadilly, Manchester, M1 1LT
Flat 4, 15 Piccadilly, Manchester, M1 1LT
Flat 3, 15 Piccadilly, Manchester, M1 1LT
Flat 2, 15 Piccadilly, Manchester, M1 1LT
Flat 1, 15 Piccadilly, Manchester, M1 1LT
11 - 13 Piccadilly, Manchester, M1 1LY

Unit 1, 11 - 13 Piccadilly, Manchester, M1 1LY
6 Oldham Street, Manchester, M1 1JQ
4 Oldham Street, Manchester, M1 1JQ
The Emporium, 8 - 10 Oldham Street, Manchester, M1 1JQ
Unit 3, 11 - 13 Piccadilly, Manchester, M1 1LY
Unit 2, 11 - 13 Piccadilly, Manchester, M1 1LY

Appendix 2 – Planning constraints

Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3
Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Conservation Area - Smithfield Conservation Area 1987
Area Team Boundary - Name: CITY2